

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CEDRIC JONES]	
Plaintiff,]	
]	
v.]	No. 3:11-0877
]	JUDGE HAYNES
METROPOLITAN POLICE DEPARTMENT,]	
et al.]	
Defendants.]	

M E M O R A N D U M

Plaintiff, Cedric Jones filed this pro se action under 42 U.S.C. § 1983 against the Defendants: Metropolitan Nashville Police Department; David Achord, a Metro detective; and Mark Rosenfeld, a Metro patrol officer. Plaintiff seeks injunctive relief arising out of a burglary of his residence.

Plaintiff was incarcerated in a Metro detention facility from March 2, 2010 through June 22, 2011. Upon his release, the Plaintiff returned home to find his home burglarized with most of his belongings missing. Plaintiff reported the burglary to the Metro police department and Officer Rosenfeld responded to the call.

Rosenfeld visited the crime scene with the Plaintiff and completed his report. Rosenfeld then referred Plaintiff to Detective Achord for further assistance. The Plaintiff became dissatisfied with the Defendants' investigation of this crime for


which plaintiff seeks injunctive relief.

To state a claim for § 1983 relief, the plaintiff must allege that the defendants, while acting under color of state law, deprived him of a right guaranteed by the Constitution or laws of the United States. Monroe v. Pape, 365 U.S. 167, 184 (1961).

Here, Plaintiff alleges, in essence, that the defendants have been negligent in their duties by not performing a thorough investigation of the burglary of his residence. Negligent conduct, however, is not actionable under § 1983 because it does not rise to the level of a constitutional deprivation. Daniels v. Williams, 474 U.S. 327, 332-33 (1986). Moreover, there is not any general constitutional duty of the State to protect its citizens absent some type of special relationship between the parties. DeShaney v. Winnebago County Dept. Of Social Servs., 489 U.S. 182, 192 (1989). Absent a special relationship that is not present here, Plaintiff has failed to allege conduct that violates the Constitution.

Absent a constitutional violation, Plaintiff has failed to state a claim upon which § 1983 relief can be granted. Under such circumstances, the Court must dismiss this action *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate Order is filed herewith.



WILLIAM J. HAYNES, JR.
United States District Judge